

MINUTES
REGULAR MEETING OF THE KENTUCKY BOARD OF CHIROPRACTIC
Friday, November 16, 2018
209 South Green Street
Glasgow, KY

PRESENT: Jeff Smith, D.C., President
Chad Henderson, D.C., Vice-President
Kelly Cooper Henson, D.C., Secretary
James England, D.C., Member
Eric Davis, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Davis, seconded by Dr. Henderson and passed 5-0 to approve the minutes of the August 23, 2018 board meeting.

ITEM II: FINANCIAL REPORTS

A motion was made by Dr. Henderson, seconded by Dr. Henson and passed 5-0 to approve the financial reports for August, September and October 2018.

ITEM III: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. Davis, seconded by Dr. England and passed 5-0 to accept the report.

ITEM IV: MOTION TO AMEND THE AGENDA

A motion was made by Dr. England, seconded by Dr. Davis and passed 5-0 to amend the agenda to allow Joseph Fawns from the Public Protection Cabinet to address the board concerning an Act to Reorganize Boards which will be filed during the 2019 Legislative Session. Mr. Fawns addressed the board and explained the bill and its impact on the board. The Executive Director made suggestions for amendments to KRS 312 to update the wording and procedure, since the statute was being amended in the bill. Board members were able to ask questions and discuss the potential changes.

ITEM V: MOTION TO RESUME THE AGENDA

A motion was made by Dr. England, seconded by Dr. Davis and passed 5-0 to resume the agenda.

ITEM VI: CONSIDER REGULATION AMENDMENTS

The Board reviewed suggested amendments and LRC staff comments regarding 201 KAR 21:045. A motion was made by Dr. Davis, seconded by Dr. Henderson and passed 5-0 to add language stating the board will maintain a list of specific approved specialty certifications on its website, and also list general specialty certifications which are approved, as suggested by LRC staff. The board also discussed details regarding approval on online continuing education courses. Dr. Henderson shall discuss this topic at the upcoming FCLB District meeting to see how it is handled by other states.

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Dr. Henderson and Dr. England will collect input from the state professional associations and all information will be considered at the January 2019 meeting.

ITEM VII: MOTION FOR EXECUTIVE SESSION

A motion was made by Dr. Henderson, seconded by Dr. Davis and passed 5-0 to go into executive session to discuss administrative cases 14-027, 16-005, 16-018, 18-007, 18-008, 18-010, 18-014, 18-016, 18-019, 18-020, 18-021 and 18M-002 pursuant to KRS 61.810 (1)(j).

ITEM VIII: MOTION FOR OPEN SESSION FOR GUEST

A motion was made by Dr. Davis, seconded by Dr. England and passed 5-0 to go into open session to allow Ben Weigel, attorney for licensees in administrative cases 18-016, 18-021 and 18M-002, to speak regarding these cases.

ITEM IX: MOTION FOR RETURN TO EXECUTIVE SESSION

A motion was made by Dr. Davis, seconded by Dr. Henderson and passed 5-0 to return to executive session pursuant to KRS 61.810 (1)(j).

ITEM X: MOTION FOR OPEN SESSION

A motion was made by Dr. Henderson, seconded by Dr. Henson and passed 5-0 to go into open session.

ITEM XI: MOTIONS FOR ACTION ON ADMINISTRATIVE CASES

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to accept the recommendations made by the Board during executive session concerning the following cases for which Mr. Weigel is counsel: 18M-002 shall be dismissed; 18-016 agreed order terms were explained and if accepted shall close the case; 18-021 and agreed order at the terms discussed shall be offered which if accepted shall close the case. A second motion was made by Dr. Henderson, seconded by Dr. Davis and passed 5-0 to accept the recommendations made by the Board during executive session concerning the following cases: 14-027 is continued; 16-005 is continued; 16-018 the board discussed terms for settlement which if accepted shall close the case and if not the case will proceed to hearing; 18-007 is continued; 18-008 the licensee shall be informed by General Counsel about the initiation of this case and the agreed order terms stand, which if accepted shall close this case; 18-010 settlement terms were discussed which if accepted shall close this case and if not the case will proceed to hearing; 18-014 the licensee shall be mailed a letter to inform him that the case is closed while thanking him for his records and advising to remove artifacts prior to taking films; 18-019 is continued; and 18-020 the licensee shall be offered an agreed order at the terms discussed which if accepted shall close the case.

ITEM XII: CONSIDER LICENSE REINSTATEMENT

RE: GERALD KOZIEJ, D.C.

The Board reviewed the application of Dr. Koziej for license reinstatement. A motion was made by Dr. Henderson, seconded by Dr. England and passed 5-0 to grant his reinstatement.

ITEM XIII: CONSIDER CORRESPONDENCE FROM PAUL RAGUSA, D.C.

RE: HIGH SCHOOL ATHLETE PROGRAM

The Board reviewed correspondence from Dr. Ragusa regarding a program for high school athletes. A motion was made by Dr. Davis, seconded by Dr. England and passed 5-0 to inform Dr. Ragusa that while this program does not violate KRS 312, it may violate other State or Federal laws.

ITEM XIV: CONSIDER RESPONSE FROM R. SAPORITO, D.C.
 RE: CHIROCREDIT.COM COURSES

The Board reviewed course descriptions from Dr. Saporito concerning continuing education course topics presented at the last meeting. A motion was made by Dr. Henderson, seconded by Dr. England and passed 5-0 to inform Dr. Saporito that the course on opioid management would be approved, however the course on medical marijuana would not be approved at this time since it is not legal in Kentucky.

ITEM XV: CONSIDER REQUEST FROM UNIVERSITY OF WESTERN STATES
 RE: CE SPECIAL REQUEST APPROVAL

The Board reviewed correspondence received from University of Western States Postgraduate Program concerning retroactive approval of one of their continuing education courses. A motion was made by Dr. England, seconded by Dr. Davis and passed 5-0 to respond that pursuant to 201 KAR 21:042 the course could not be approved retroactively.

ITEM XVI: CONSIDER CORRESPONDENCE
 RE: ADJUNCTIVE MODALITY JUSTIFICATION

Since this correspondence was mailed in anonymously, the board took no action.

ITEM XVII: CONSIDER RESPONSE FROM V. COOPER, D.C.
 RE: CBD OIL

The Board reviewed questions from Dr. Cooper concerning the sale or use of CBD oil in a chiropractic practice. A motion was made by Dr. Henderson, seconded by Dr. Davis and passed 5-0 to respond the Dr. Cooper that since the use of CBD oil is not currently taught in chiropractic colleges, CBD oil may be sold along with other over-the-counter nutritional supplements, but may not be used as part of a treatment plan.

ITEM XVIII: REVIEW OF CONTINUING EDUCATION APPLICATION
 RE: ROCKCUPPING AND ROCKFLOSS

The Board reviewed a continuing education application on the topics of Rockcupping and Rockfloss. These topics were deemed to be within the scope of practice if used as adjunctive modalities. A motion was made by Dr. Davis, seconded by Dr. Henderson and passed 5-0 to approve this course for continuing education credits.

ITEM XIX: SET BOARD MEETING DATE

The Board set a Jurisprudence course for January 18, 2019, from 9-11am CST. Board meetings were set for March 22, June 7 and August 23, 2019.

ITEM XX: ELECTION OF OFFICERS FOR 2019

A motion was made by Dr. Davis, seconded by Dr. England and passed 5-0 to re-elect Dr. Smith as board President. A motion was made by Dr. Davis, seconded by Dr. Henderson and passed 5-0 to elect Dr. England as Vice-President. A motion was made by Dr. England, seconded by Dr. Henson and passed 5-0 to elect Dr. Davis as Secretary. New officers will take their positions at the January 2019 meeting.

ITEM XXI: DISCUSSION OF BOARD OFFICE RELOCATION

The Board discussed the impact of the Act to Reorganize Boards and the potential relocation of the

board office to Frankfort. A motion was made by Dr. Davis, seconded by Dr. England and passed 5-0 to have himself and Dr. Henderson meet with Mr. Fawns of the Public Protection Cabinet to discuss specifics regarding the possible changes.

ITEM XXII: TRAVEL AND PER DIEM

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XXIII: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Henderson, seconded by Dr. England and passed 5-0, the meeting was adjourned.

Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.
Executive Director

Jeffery T. Smith, D.C.
President